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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW MUMPHREY,
LATONYA CAREY,
CRYSTAL ANTHONY,
DARLENE ROUSE,
ACACIA MCNEAL,
ANITA DIXON,
AARON MATTHEWS,
NIJAH REED,
TIANA REDDIC,
TIFFANY CROSS,
SHOLANDA ADAMS,
DAVID MADLOCK

Defendants.

CR No. 14-643 EMC

JOINT STATUS MEMORANDUM

1 The parties and SFPD submit this joint status statement. SFPD has not yet provided any
2 discovery to the FPD including the items SFPD has agreed to provide at the last status
3 conference. (See Docket No. 248.) As set forth in the Parties' Joint Stipulation Setting Briefing
4 Schedule on Motion to Quash, the SFPD intends to file a motion to quash and/or motion for
5 relief from the discovery order by January 27, 2017. (See Docket No. 281.) The USAO is
6 continuing to review both SFPD personnel files for disclosure of *Henthorn/Pitchess* material. In
7 addition, the DEA has agreed to run rapsheets for the similarly situated individuals already
8 identified (approximately 300 individuals). However, the DEA needs personal identifying
9 information (PII) to run these rapsheets. The incident reports the defense has subpoenaed from
10 SFPD should allow the FPD to gather the PII that the DEA has requested. If the incident reports
11 reveal more similarly situated individuals, then the parties will meet and confer about whether
12 DEA will run these additional rapsheets.

13 Statement by SFPD

14 As a point of clarification, SFPD agreed to produce certain records subject to a
15 subpoena. See Dkt. 243. The return date of those subpoenas is January 25, 2017. SFPD has
16 been diligently gathering records responsive to defendants' request. At the time SFPD agreed to
17 produce certain documents responsive to defendants' discovery request, it did not anticipate the
18 volume of records that existed, nor the time it would take to conduct a privilege review of those
19 documents.

20 For instance, SFPD utilized extensive resources gathering documents responsive to the
21 FPD's request regarding emails. To date, SFPD has located approximately 2,000 pages of email
22 potentially responsive to the FPD's request. Each of those emails required a review to determine
23 whether it was in fact responsive, a review for privilege, and the removal of duplicate
24 threads. There are approximately 700 pages of email dialogue responsive to the FPD's request.

25 Regarding defendants' incident reports, SFPD has located approximately 300 incident
26 reports. Many of these reports include privileged information about third parties, such as
27 medical information, home addresses and phone numbers, victim and witness information,
28

1 information regarding victims of violent crime and sexual assaults, children, other official
 2 information or information protected by statute. Cal. Gov't. Code Sec 6254. These reports
 3 therefore required a privilege review, which we are now just concluding.

4 Further, some incident reports involve "open" investigations, disclosure of which may
 5 compromise the integrity and fairness of existing open and investigations. After meeting and
 6 conferring, the defendants recently agreed to omit open investigations from their discovery
 7 request. The department is now determining which of those reports concern open investigations.

8 SFPD did not agree to produce a group of approximately 1000 incident reports of
 9 "similarly situated" persons. Those documents are subject to a subpoena recently issued by the
 10 Court and a motion to quash that SFPD anticipates filing in accordance with the recently agreed
 11 upon scheduling order.

12 Some of the other documents responsive to the request are prepared for production.

13
 14 Respectfully submitted,

15 Dated: January 18, 2017

/s/

17 _____
 GALIA AMRAM
 Assistant Federal Public Defender
 Counsel for DEFENDANTS

19
 20 Dated: January 18, 2017

/s/

22 _____
 LLOYD FARNHAM
 SARAH HAWKINS
 Assistant United States Attorneys

24
 25 Dated: January 18, 2017

/s/

27 _____
 SEAN CONNELLY
 Counsel for the San Francisco Police Dept.